

**MANDATE**

S.D.N.Y.-N.Y.C.  
07-cv-9778  
Wood, C.J.

**United States Court of Appeals**  
FOR THE  
**SECOND CIRCUIT**

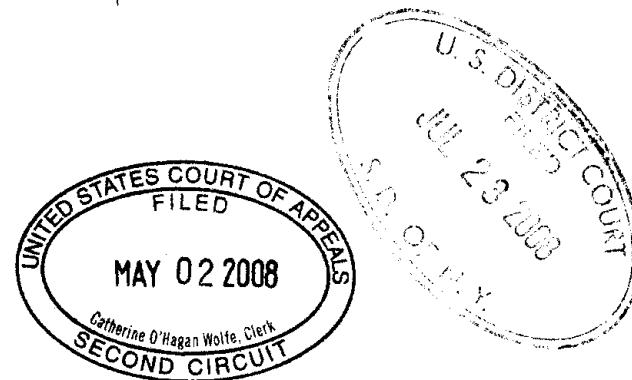
At a stated term of the United States Court of Appeals for the Second Circuit, held at the Daniel Patrick Moynihan United States Courthouse, 500 Pearl Street, in the City of New York, on the 2<sup>nd</sup> day of May, two thousand eight,

Present:

Hon. Chester J. Straub,  
Hon. Reena Raggi,  
Circuit Judges,  
Hon. Sidney H. Stein,\*  
District Judge.

Tyrone Carmichael,  
Plaintiff-Appellant,

v.  
Jane Levitt, et al.,  
Defendants-Appellees.



07-5611-pr

Appellant, *pro se*, moves for leave to proceed *in forma pauperis*, appointment of counsel, and an extension of time. Upon due consideration, it is hereby ORDERED that the motions are DENIED and the appeal is DISMISSED because it lacks an arguable basis in law or fact. *See Neitzke v. Williams*, 490 U.S. 319, 325 (1989); 28 U.S.C. § 1915(e).

FOR THE COURT:  
Catherine O'Hagan Wolfe, Clerk

By:

\* The Honorable Sidney H. Stein, of the United States District Court for the Southern District of New York, sitting by designation.

SAO-MTA

A TRUE COPY

Thomas Asreen, Acting Clerk

by   
Deputy Clerk

- ISSUED AS MANDATE: JUL 22 2008